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CLERK, U.S. DISTRICT COURT - DNJ

IN THE UNITED STATES
DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

Nicholas Kyle Martino,
in pro per

v.
United States

Case No. 1:23-mc-00011-SAK

AFFIDAVIT IN SUPPORT OF PETITIONER'S
PETITION TO UNSEAL

WHEREFORE, on this 21st day of April 2023, Petitioner, Nicholas Kyle Martino, in pro per, hereby AVERS the following facts in support of his Petition to Unseal Search Warrant Materials (ECF No 1):

1. The FBI is investigating me in two or more separate criminal investigations.
2. At least three individuals have been charged in connection with those investigations.
3. I have received no target letter, information, complaint, or indictment connected to those investigations.
4. In connection with those investigations, the FBI executed the six search warrants at-issue.

5. FBI SA Joseph Donahue, who authored the affidavit establishing probable cause for those warrants, used information obtained from FBI CI Leah Hoffman to establish probable cause.
6. In July 2021, after being contacted by SA Donahue, Leah Hoffman attempted to extort me for money in exchange for not cooperating with the FBI on me/giving the FBI misleading information on me.
7. I recorded the attempted extortion and sent copies to SA Donahue, USPO Matthew Kurzawa, USPO Steven Alfrey, and USDJ Noel L. Hillman.
8. After I sent the recordings, and after refusing to pay the extortion, Leah Hoffman made good on her threats and gave SA Donahue information on me.
9. Even before the extortion, the FBI was made aware that Leah Hoffman was committing COVID-19 relief fraud and money laundering.
10. At the time he submitted the affidavit, SA Donahue knew the information given by Leah Hoffman was patently false and wholly unreliable.
11. When the search warrants were executed, I asked SA Donahue if I had met

him before; he told me "No, but you did send me recordings of some girl."

12. Without the affidavit of probable cause, I cannot conclusively prove that SA Donahue misled this Court and committed perjury, nor can I effectively attack the validity of the warrants.

13. I reported SA Donahue to the DOJ's Office of Professional Responsibility and Office of the Inspector General.

14. I am pursuing the return of the property seized.

15. The affidavit of probable cause will also assist me in attacking the validity of the "compelled biometric unlocking" clause of the warrant, which I will be pursuing at a later time.

16. With the probable cause affidavit, I would attack its (and the warrants') validity based on the staleness of the information given, the omission of the attempted extortion, the omission of indicia of Leah Hoffman's reliability, callous disregard, among other issues.

17. I am aware of the nature of the

investigations as well as the full identities of at least two of the CIs, so the Government's investigation would not be harmed by the release of a redacted affidavit, and to the extent that the Government claims the investigation is ongoing against other individuals, those individuals and the respective proceedings would not be harmed as those individuals are charged and/or in custody.

Authored under penalty of perjury and executed pursuant to 28 U.S.C. § 1746.

Submitted,

Nicholas Martino

Nicholas Martino

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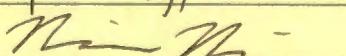
Case No. 1:23-mc-00011-SAK

CERTIFICATE OF SERVICE

WHEREFORE, on this 21st day of April 2023, Petitioner, Nicholas Kyle Martino, in pro per, hereby CERTIFIES that he caused a true and correct original copy of his Affidavit In Support Of Petitioner's Petition to Unseal Search Warrant Materials to be placed in the US Mail and served upon the Court on April 21, 2023.

Executed pursuant to 28 U.S.C § 1746.

Respectfully,



Nicholas Martino,

in pro per

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